House of Representatives

Hon. MICHAEL M. HONDA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Mr. Chairman, I rise today in opposition to H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005. While Congress should be revising the flawed aspects of the PATRIOT Act , we are instead poised to make permanent the provisions that were supposed to sunset at the end of this year.

My fear is that the actions of our government pursuant to the PATRIOT Act amount to nothing short of a taking, not a taking of property, rather of our rights and our liberties. For example, the House Judiciary Committee Democrats have uncovered the following regarding the Act :

It has been used more than 150 times to secretly search an individual's home, with nearly 90 percent of those cases having had nothing to do with terrorism.

It was used against Brandon Mayfield, an innocent Muslim American, to tap his phones, seize his property, copy his computer files, spy on his children, and take his DNA, all without his knowledge.

It has been used to deny, on account of his political beliefs, the admission to the United States of a Swiss citizen and prominent Muslim Scholar to teach at Notre Dame University.

It has been used to unconstitutionally coerce an Internet Service Provider to divulge information about e-mail activity and web surfing on its system, and then to gag that Provider from even disclosing the abuse to the public.

It has been used to charge, detain and prosecute a Muslim student in Idaho for posting Internet website links to objectionable materials, even though the same links were available on the U.S. Government's web site.

These are just a few of the incidents we know of, yet they are enough to raise plenty of concerns in my mind. Because of gag restrictions, we will never know how many times it has been used to obtain reading records from libraries and bookstores, but we do know that libraries have been solicited by the Department of Justice--voluntarily or under threat of the PATRIOT Act --for reader information on more than 200 occasions since the 9/11 terrorist attacks.

Rather than making the provisions in question permanent, we should be reviewing and amending the most intrusive of these provisions that are subject to the sunset clause such as:

Sec. 215: Secret searches of personal records, including library records. The bill does not provide a standard of individual suspicion so that the court that examines these extraordinary requests can ensure personal privacy is respected, and also

falls short by failing to correct the automatic, permanent secrecy order.

Sec. 206: ``Roving'' wiretaps in national security cases without naming a suspect or telephone. The bill does nothing to correct this overbroad provision of the Patriot Act that allows the government to get ``John Doe'' roving wiretaps--wiretaps that fail to specify the target or the device. The bill also does not include any requirement that the government check to make sure its ``roving'' wiretaps are intercepting only the target's conversations.

The Patriot Act originally had sunsets on some provisions so we could reexamine the extraordinary powers that were given to the executive branch, in a calmer atmosphere. Instead we are here today ignoring the more troubling provisions such as: the ``delayed notice'' of a search warrant, the intrusive ``national security letters'' power of the FBI, and the overbroad definition of domestic terrorism.

There is no more difficult task I have as a legislator than balancing the nation's security with our civil liberties, but this task is not a zero sum game. By passing a bill that largely ignores the most serious abuses of the PATRIOT Act , that ignores the abuse of power by the Bush Administration, and which fails to give adequate resources and money to those on the ``front line'' in the fight against terrorism.